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11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 MARY ELIZABETH ROSE-TRAUGH,  
14 Plaintiff,  
15

16 v.

17 CAROLYN W. COLVIN,  
18 Acting Commissioner of Social  
19 Security,  
20 Defendant.  
21

Case No. 15-cv-1611 DMS (BGS)

**ORDER:**

- (1) **ADOPTING REPORT AND  
RECOMMENDATION IN  
ITS ENTIRETY;**  
(2) **DENYING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT; AND**  
(3) **GRANTING DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

22 On July 20, 2015, Plaintiff Mary Elizabeth Rose-Traugh filed a complaint  
23 pursuant to the Social Security Act, 42 U.S.C. § 405(g), challenging the  
24 Commissioner of the Social Security Administration's denial of disability benefits.  
25 On November 2, 2015, the Commissioner filed an answer. On January 6, 2016,  
26 Rose-Traugh filed a motion for summary judgment, requesting reversal of the  
27 Administrative Law Judge's final decision. The Commissioner filed a cross-motion  
28 for summary judgment and opposed Rose-Traugh's motion. The Commissioner

1 argued that the Administrative Law Judge's decision was supported by substantial  
2 evidence, free from legal error, and should be affirmed.

3 On June 24, 2016, United States Magistrate Judge Bernard G. Skomal issued  
4 a Report and Recommendation ("Report") recommending that this Court grant the  
5 Commissioner's motion for summary judgment and deny Rose-Traugh's motion.  
6 Judge Skomal ordered any objections to be filed by July 8, 2016, and any replies by  
7 July 22, 2016. To date, no objections have been filed, and neither party has requested  
8 additional time to do so.

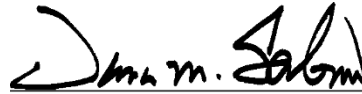
9 The Court reviews *de novo* those portions of the R&R to which objections are  
10 made. 28 U.S.C. § 636(b)(1). The Court may "accept, reject, or modify, in whole  
11 or in part, the findings or recommendations made by the magistrate judge." *Id.* But  
12 "[t]he statute makes it clear that the district judge must review the magistrate judge's  
13 findings and recommendations *de novo if objection is made*, but not otherwise."  
14 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)  
15 (emphasis in original); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226  
16 (D. Ariz. 2003) (concluding that where no objections were filed, the district court  
17 had no obligation to review the magistrate judge's report). "Neither the Constitution  
18 nor the statute requires a district judge to review, *de novo*, findings and  
19 recommendations that the parties themselves accept as correct." *Id.* "When no  
20 objections are filed, the *de novo* review is waived." *Marshall v. Astrue*, No.  
21 08cv1735, 2010 WL 841252, at \*1 (S.D. Cal. Mar. 10, 2010) (Lorenz, J.) (adopting  
22 report in its entirety without review because neither party filed objections to the  
23 report despite the opportunity to do so).

24 In this case, the deadline for filing objections was on July 8, 2016. As noted,  
25 no objections have been filed, and neither party has requested additional time to do  
26 so. Consequently, the Court may adopt the R&R on that basis alone. *See Reyna-*  
27 *Tapia*, 328 F.3d at 1121. Having nonetheless conducted a *de novo* review of Rose-  
28 Traugh's and the Commissioner's motions for summary judgment, the Court hereby

1 approves and adopts the report in its entirety, and grants the Commissioner's motion  
2 for summary judgment. The Court denies Rose-Traugh's motion for summary  
3 judgment.

4 **IT IS SO ORDERED.**

5 Dated: July 20, 2016

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7 Hon. Dana M. Sabraw  
8 United States District Judge  
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